REMARKS

Applicants respectfully request entry of the following amendments and remarks in response to the Office Action mailed May 16, 2008. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 5 – 12, 20 – 27, and 38 are pending. In particular, Applicants amend claims 5 – 6, 20 – 27, and 38. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I.   Rejections Under 35 U.S.C. §101

The Office Action indicates that claim 38 stands rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants amend claim 38 to include "a memory component," as indicated above. Applicants submit that this amendment complies with the Office Action request and that claim 38 fulfills the requirements of 35 U.S.C. §101.

II.   Rejections Under 35 U.S.C. §102

A.   Claim 5 is Allowable Over *Klassen]*

The Office Action indicates that claim 5 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication Number 2005/0066070 ("*Klassen*"). Applicants respectfully traverse this rejection on the grounds that *Klassen* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 5 recites:

> A communication method comprising:
> displaying a first instant messaging (IM) message of an IM session between a user and a contact;
> calculating an elapsed time from the displaying of the first IM message;
> determining whether a second IM message has been displayed within the elapsed time;
> displaying a first time indication, the first time indication being associated with the first IM message, the first time indication

being displayed in response to determining that the second IM message has not been displayed within the elapsed time, the first time indication displaying a time that the first message was sent; and

> ***querying the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated.***
>
> *(Emphasis added).*

Applicants respectfully submit that claim 5, as amended, is allowable over *Klassen* for at least the reason that *Klassen* fails to disclose, teach, or suggest a "communication method comprising… ***querying the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated***" as recited in claim 5, as amended. More specifically, *Klassen* discloses "a first time stamp 85 [that] is output adjacent to the non-responded to message 80" (page 3, paragraph [0045]). However, *Klassen* fails to even suggest a termination time indication, not to mention "***querying the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated***" as recited in claim 5, as amended. For at least this reason, claim 5, as amended, is allowable.

B.   Claim 20 is Allowable Over *Klassen*

The Office Action indicates that claim 20 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication Number 2005/0066070 ("*Klassen*"). Applicants respectfully traverse this rejection on the grounds that *Klassen* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 20 recites:

> A computer-readable medium that includes a program, such that when executed by a computer, performs at least the following:
> provide for display a first instant messaging (IM) message of an IM session between a user and a contact;
> calculate an elapsed time from the computer-readable code adapted to instruct a programmable device to display of the

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first IM message;

determine whether a second IM message has been displayed within the elapsed time;

provide for display a first time indication, the first time indication being associated with the first IM message, the first time indication being displayed in response to computer-readable code adapted to instruct a programmable device to determine that the second IM message has not been displayed within the elapsed time, the first time indication displaying a time that the first message was sent; and

query the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated.

(Emphasis added).

Applicants respectfully submit that claim 20, as amended, is allowable over *Klassen* for at least the reason that *Klassen* fails to disclose, teach, or suggest a "computer-readable medium that includes a program, such that when executed by a computer, performs at least the following... *query the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated*" as recited in claim 20, as amended. More specifically, *Klassen* discloses "a first time stamp 85 [that] is output adjacent to the non-responded to message 80" (page 3, paragraph [0045]). However, *Klassen* fails to even suggest a termination time indication, not to mention "*query[ing] the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated*" as recited in claim 20, as amended. For at least this reason, claim 20, as amended, is allowable.

C.   Claim 38 is Allowable Over *Klassen]*

The Office Action indicates that claim 38 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication Number 2005/0066070 ("*Klassen*"). Applicants respectfully traverse this rejection on the grounds that *Klassen* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 38 recites:

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> A communication system comprising:
> a memory component that stores at least the following:
>> message-display logic configured to display a first instant messaging (IM) message of an IM session between a user and a contact;
>> time-calculation logic configured to calculate an elapsed time from the display of the first IM message;
>> determination logic configured to determine whether a second IM message has been displayed within the elapsed time;
>> time-display logic configured to display a first time indication, the first time indication being associated with the first IM message, the first time indication being displayed in response to determine that the second IM message has not been displayed within the elapsed time, the first time indication displaying the time the first message was sent; and
>> ***query logic configured to query the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated.***
>
> *(Emphasis added).*

Applicants respectfully submit that claim 38, as amended, is allowable over *Klassen* for at least the reason that *Klassen* fails to disclose, teach, or suggest a "communication system comprising… a memory component that stores at least the following… ***query logic configured to query the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated***" as recited in claim 38, as amended. More specifically, *Klassen* discloses "a first time stamp 85 [that] is output adjacent to the non-responded to message 80" (page 3, paragraph [0045]). However, *Klassen* fails to even suggest a termination time indication, not to mention "***query logic configured to query the user to determine whether to include a termination time indication for an IM log of the IM session, the termination time indication indicating a time the IM session terminated***" as recited in claim 38, as amended. For at least this reason, claim 38, as amended, is allowable.

D.   Claims 6 – 11 and 21 – 26 are Allowable Over *Klassen*

The Office Action indicates that claims 6 – 11 and 21 – 26 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Publication Number 2005/0066070 ("*Klassen*"). Applicants respectfully traverse this rejection on the grounds that *Klassen* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 6 – 11 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 5. Further, dependent claims 21 – 26 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 20. *In re Fine*, *Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. **Rejections Under 35 U.S.C. §103 – Claims 12 and 27 are Allowable Over _Klassen_ in view of _AAAPA_**

The Office Action indicates that claims 12 and 27 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2005/0066070 ("_Klassen_") in view of Applicant's Allegedly Admitted Prior Art ("_AAAPA_"). Applicants respectfully traverse this rejection for at least the reason that _Klassen_ in view of _AAAPA_ fails to disclose, teach, or suggest all of the elements of claims 12 and 27. More specifically, dependent claim 12 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 5. Further, dependent claim 27 is believed to be allowable for at least the reason that this claim depends from and include the elements of allowable independent claim 20. _In re Fine_, _Minnesota Mining and Mfg.Co. v. Chemque, Inc._, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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